

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NANCY M. HUTSON, et al.,

Plaintiff(s),

No. C 09-3238 PJH

v.

**ORDER**

AMERICAN HOME MORTGAGE  
SERVICING INC., et al.,

Defendant(s).

Before the court is the request of plaintiffs for a dismissal without prejudice of the entire action and all remaining defendants. However, by order filed on October 16, 2009, the court already dismissed the complaint as to defendant American Home Mortgage Servicing Inc. ("AHMSI"). The dismissal was with leave to amend. Plaintiffs were specifically ordered to file their second amended complaint, or a statement of intent to stand on their first amended complaint, no later than November 6, 2009. Plaintiffs have filed the latter statement. Because the court indicated at the hearing that defendant AHMSI would be permitted to seek a dismissal with prejudice as to the claims against it, the court declines to grant approval of the requested dismissal without prejudice at this time. Instead plaintiffs and AHMSI shall immediately meet and confer and then notify the court as to their respective wishes as to the resolution of this matter. A joint statement must be filed no later than November 23, 2009.

**IT IS SO ORDERED.**

Dated: November 16, 2009



PHYLLIS J. HAMILTON  
United States District Judge